

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

CONSOLIDATED INDUSTRIES, LLC  
d/b/a WEATHER KING PORTABLE  
BUILDINGS,

Plaintiff,

v.

JESSE A. MAUPIN, BARRY D.  
HARRELL, ADRIAN S. HARROD,  
LOGAN C. FEAGIN, STEPHANIE L.  
GILLESPIE, RYAN E. BROWN,  
DANIEL J. HERSHBERGER, BRIAN  
L. LASSEN, ALEYNA LASSEN, and  
AMERICAN BARN CO., LLC,

Defendants.

Civil Action No. 1:22-cv-01230-STA-jay

District Judge Anderson

Magistrate Judge York

**UNOPPOSED MOTION TO BIFURCATE TRIAL  
REGARDING PUNITIVE DAMAGES**

Defendants Jesse A. Maupin, Barry D. Harrell, Adrian S. Harrod, Logan C. Feagin, Stephanie L. Gillespie, Ryan E. Brown, Daniel J. Hershberger, and American Barn Co., LLC (the “ABCO Defendants”), by and through their undersigned counsel, move to bifurcate the trial regarding punitive damages in this case, pursuant to Federal Rule of Civil Procedure 42(b). Counsel have conferred and this motion is unopposed. In support of this motion, the ABCO Defendants state as follows:

1. Plaintiff Consolidated Industries, LLC d/b/a Weather King Portable Buildings (“Weather King”) claims in its amended complaint that some or all of the Defendants breached their duty of loyalty, interfered with business relationships, and misappropriated trade secrets, among other business torts. (D.E. 26.). These claims arise out of the departure or termination of

employment of the individual Defendants from Weather King, and their subsequent decision to work for a new business, American Barn Co., LLC (“ABCO”).

2. The ABCO Defendants filed their Answer to the First Amended Complaint and Affirmative Defenses on January 24, 2023. (D.E. 28). On May 22, 2025, the ABCO Defendants moved to amend their answer and affirmative defenses to add the affirmative defense of failure to mitigate damages. (D.E. 217).

3. Fact discovery in this case is complete, with expert depositions completed in June 2025, and the deadline for motions in limine and dispositive motions scheduled for July 2025. Trial is set for October 27, 2025. (D.E. 151).

4. On June 24, 2025, the ABCO Defendants filed a Motion to Bifurcate Trial and Jury. (D.E. 230).

5. On June 30, the Court granted in part and denied in part Weather King’s motion for sanctions and issued a default judgment against Defendants Maupin, Harrell, Harrod, Feagin, and ABCO. (D.E. 231.) No default judgment was entered against Defendants Gillespie, Brown, and Hershberger.

6. The parties engaged in further discussions regarding bifurcation. The parties agreed to bifurcate the issue of punitive damages, and the ABCO Defendants withdrew their opposed motion to bifurcate as a result. (D.E. 236.) The ABCO Defendants will separately move to bifurcate the trial with respect to liability and damages as to Defendants Gillespie, Brown, and Hershberger, who do not have a default judgment against them. The motions are separate because Weather King opposes this aspect of the ABCO Defendants’ bifurcation request.

7. Federal Rule of Civil Procedure 42(b) provides that “[f]or convenience, to avoid

prejudice, or to expedite and economize, the court may order a separate trial of one or more separate issues, claims, crossclaims, counterclaims, or third party-claims. When ordering a separate trial, the court must preserve any federal right to a jury trial.” Fed. R. Civ. P. 42(b). Where, as here, “the parties agree to bifurcation, . . . the Court need not delve into [specific] cases and their varying approaches.” *Hampton v. Safeco Ins. Co. of Am.*, No. 6:13-CV-39-DLB-HAI, 2013 WL 12177258, at \*1 (E.D. Ky. Nov. 7, 2013).

Wherefore, the ABCO Defendants respectfully request that this Court grant their Unopposed Motion to Bifurcate regarding punitive damages, pursuant to Rule 42(b).

Date: July 16, 2025

Respectfully submitted,

/s/ Benjamin S. Morrell

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*Counsel for Defendants Maupin, Harrell, Harrod, Feagin, Gillespie, Brown, Hershberger, and American Barn Co., LLC*

**CERTIFICATE OF CONSULTATION**

In accordance with Local Rule 7.2(a)(1)(B), I certify that counsel for the ABCO Defendants conferred with counsel for Plaintiff via email on July 8, 2025, regarding this motion, and Plaintiff's counsel responded on July 8 that Plaintiff does not oppose bifurcation for punitive damages.

Date: July 16, 2025

/s/ Benjamin S. Morrell

## CERTIFICATE OF SERVICE

I hereby certify that on the date listed below, I filed the foregoing document with the Clerk of the Court using the Court's CM/ECF filing system, which will send notice of such filing to all counsel of record. I further certify that on the date listed below, I sent the foregoing document to the following individuals at the address listed below via U.S. Mail first-class, postage prepaid, and via email at the email address listed below:

Aleyna Lassen  
Brian L. Lassen  
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Willcox, AZ 85643  
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Date: July 16, 2025

/s/ Benjamin S. Morrell